

REMARKS

Applicants appreciate the Examiner's thorough consideration provided the present application. Claims 1-12 and 14 are now present in the application. Claims 1, 6, 8 and 11 have been amended. Claims 13, 15 and 16 have cancelled. Claim 1, 6 and 11 are independent. Reconsideration of this application, as amended, is respectfully requested.

Reasons For Entry Of Amendments

As discussed in greater detail hereinafter, Applicants respectfully submit that the rejections under 35 U.S.C. §§ 102 and 103 are improper and should immediately be withdrawn. Accordingly, the finality of the Final Office Action mailed on September 18, 2006 should be withdrawn.

If the Examiner persists in maintaining his rejections, Applicants submit that this Amendment was not presented at an earlier date in view of the fact that Applicants are responding to a new ground of rejection set forth in the Final Office Action. In accordance with the requirements of 37 C.F.R. §1.116, Applicants respectfully request entry and consideration of the foregoing amendments as they remove issues for appeal.

Information Disclosure Citation

Applicants thank the Examiner for considering the references supplied with the Information Disclosure Statement filed on September 18, 2006, and for providing Applicants with an initialed copy of the PTO-1449 form filed therewith.

Claim Rejections Under 35 U.S.C. §§ 102 & 103

Claims 1, 3, 4, 6, 8, 9 and 11-16 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Valaszikai, U.S. Patent No. 6,935,418. Claims 2, 5, 7 and 10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Valaszikai in view of Kull, U.S. Patent No. 5,931,219. These rejections are respectfully traversed.

Complete discussion of the Examiner's rejections is set forth in the Office Action, and are not being repeated here.

In light of the foregoing amendments, Applicants respectfully submit that these rejections have been obviated and/or rendered moot. Without conceding to the propriety of the Examiner's rejections, but merely to timely advance the prosecution of the application, as the Examiner will note, independent claims 1, 6 and 11 have been amended to recite "an entire surface of another one of the two adjacent heat exchange plates in the outdoor air path being substantially flat and facing the embossing protrusions." Applicants respectfully submit that the above recitation as set forth in claims 1, 6 and 11 are not disclosed or suggested by the references relied on by the Examiner.

In particular, as shown in FIGs. 6-8 of Valaszikai, each of the surfaces 11 and 12 has a plurality of embossing protrusions 15. In other words, the surfaces 11 and 12 are not entirely flat due to the embossing protrusions 15. Unlike Valaszikai, as embodied in the present invention, the entire bottom surface of the upper heat exchange plate is substantially flat. Accordingly, Valaszikai fails to teach "an *entire* surface of another one of the two adjacent heat exchange plates in the outdoor air path being substantially flat and facing the embossing protrusions" as recited in amended claims 1, 6 and 11.

With regard to the Examiner's reliance on Kull, this reference has only been relied on for its teachings related to some dependent claims. This reference also fails to disclose the above recitation as set forth in amended independent claims 1, 6 and 11. Accordingly, this reference fail to cure the deficiencies of Valaszikai.

Accordingly, neither of the utilized references individually or in combination teaches or suggests the limitations of amended independent claims 1, 6 and 11. Therefore, Applicants respectfully submit that amended independent claims 1, 6 and 11 clearly define over the teachings of the utilized references.

In addition, claims 2-5, 7-10 and 14 depend, either directly or indirectly, from independent claims 1, 6 and 11, and are therefore allowable based on their respective dependence from independent claims 1, 6 and 11, which are believed to be allowable.

In view of the above remarks, Applicants respectfully submit that claims 1-12 and 14 clearly define the present invention over the references relied on by the Examiner. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. §§ 102 and 103 are respectfully requested.

Additional Cited References

Since the remaining patents cited by the Examiner have not been utilized to reject the claims, but rather to merely show the state of the art, no further comments are necessary with respect thereto.

CONCLUSION

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently pending rejections and that they be withdrawn.

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

In the event there are any matters remaining in this application, the Examiner is invited to contact the undersigned at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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